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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Neal H. Avery
Application No. : 10/807,631
Filed : March 23, 2004
Title : AIR FILTER SYSTEM

Confirmation No. 4033

Grp./Div. : 1724
Examiner : Minh-Chau T. Pham

Docket No. : 52206/THD/A859

Customer No. : 23363

TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
October 20, 2005

Commissioner:

I hereby certify that I am the attorney of record in this application and am authorized to execute this disclaimer on behalf of the assignee; and I further certify that the evidentiary documents have been reviewed and that assignee, to the best of my knowledge and belief, has title to the above-identified application and patent.

AVERTECH, INC., a California corporation having a place of business at 16 Belcanto, Mission Viejo, California 92692, represents: (a) that it is the assignee of the entire interest in U.S. patent Application No. 10/807,631, filed March 23, 2004, and entitled AIR FILTER SYSTEM, by virtue of the assignment recorded in the United States Patent and Trademark Office at reel 016253, frame 0234; and (b) that it is the assignee of the entire interest in U.S. Patent No. 6,610,116, by virtue of the assignment recorded at reel 015747, frame 0950.

AVERTECH, INC. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,610,116, and hereby agrees that any patent so granted on the above-identified application shall

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be enforceable only for and during such period that the legal title thereto shall be the same as the legal title to U.S. Patent No. 6,610,116, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, AVERTECH, INC. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 6,610,116, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and further that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 
Tom H. Dao
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626/795-9900

THD/bl

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